

**CORPORATION OF THE TOWN OF AMHERSTBURG**  
**BY-LAW NO. 2019-101**  
**By-law to amend Zoning By-law No. 1999-52**  
**265 & 349 Concession 3 N, within the Town of Amherstburg**

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**WHEREAS** By-law 1999-52, as amended, is a land use control by-law regulating the use of lands and the character, location and use of buildings and structures within the Town of Amherstburg;

**AND WHEREAS** the Council of the Town of Amherstburg deems it appropriate and in the best interest of proper planning to amend By-law 1999-52, as herein provided;

**AND WHEREAS** this By-law conforms to the Official Plan for the Town of Amherstburg;

**NOW THEREFORE** the Council of the Corporation of the Town of Amherstburg enacts as follows:

1. Schedule "A", Map 31 of By-law 1999-52, as amended, is hereby amended by changing the zone symbol on those lands shown as "Zone Change from h-HI to A-43" on Schedule "A" attached hereto and forming part of this By-law from "holding-Heavy Industrial (h-HI)" to "Special Provision Agricultural (A-43) Zone".
2. Schedule "A", Map 31 of By-law 1999-52, as amended, is hereby amended by changing the zone symbol on those lands shown as "Zone Change from HI to A-43" on Schedule "A" attached hereto and forming part of this By-law from "holding-Heavy Industrial (HI)" to "Special Provision Agricultural (A-43) Zone".
3. Schedule "A", Map 31 of By-law 1999-52, as amended, is hereby amended by changing the zone symbol on a portion of those lands shown as "Zone Change from h-HI to EP-4" on Schedule "A" attached hereto and forming part of this By-law from "holding-Heavy Industrial (HI)" to "Special Provision Environmental Protection (EP-4) Zone."
4. That Subsection 26 'Agriculture (A)' zone is amended with the addition of the following new subsection:

"26. (4)(hh) Defined Area 'A-43' 265 & 349 Concession 3 North as shown on Schedule "A", to this By-law

a) Permitted Uses

Permitted uses defined under Section 26 (2) of this By-law.

In addition to the uses permitted under Section 26(2), additional uses include:

- i) a warehouse,
- ii) an office,
- iii) vegetable packaging and production facility,
- iv) seasonal worker housing.

b) Permitted Buildings and Structures

Buildings and structures for the permitted uses under Section 26(2);

In addition to the buildings and structures permitted under Section 26(2), additional buildings and structures include:

- i) a warehouse;
- ii) an office;
- iii) service buildings;
- iv) seasonal worker housing (bunky).

c) Zone Provisions

All lot and building requirements for lands zoned (A-43) shall be in accordance with Section 26 with the exception of the following:

- a) Front Yard Setback: 10 m
- b) Rear Yard Setback: 15 m
- c) Interior Yard Setback from lot line:
  - a) North side yard: 10 m
  - b) South side yard: 8 m
- d) Parking:
  - a) Greenhouse: 1 sp/2 ha (4.94 ac) growing area
  - b) Seasonal Workers: 5 spaces plus 1 sp/30 beds
- e) Lot Coverage (max): 85 %
- f) SWM pond setback: 3 m
- g) Setbacks from Inland Watercourses and Municipal Drains:

No part of any building or structure other than a permeable fence, shall hereafter be erected in any zone or defined area closer to an inland watercourse or an open municipal drain than 6 m (26.24 ft) plus the depth of the watercourse or drain to a maximum of 15 m (49.21 ft), from the top of bank, measured horizontally along a line perpendicular to a line drawn along the top of bank, or in the case where a drain is covered, the minimum setback shall be 3 m (9.84 ft) from the centerline of the drain.
- h) Interior Yard Setback is defined for lands zoned (A-43) from the lot line and shall include the 8 m (EP-4) zone within the additional 2 m setback.”

5. That Subsection 28 ‘Environmental Protection (EP-4)’ Zone is amended with the addition of the following new subsection:

“28(4)(d) Notwithstanding any other provisions of Section 28(2) and Section 28(3) to the contrary, within any area zoned (EP-4) on Schedule “A” hereto, lands zoned (EP-4) are reserved for an existing tree row.

Trees and shrubs warrant trimming and maintenance to keep the trees and shrubs within the (EP-4) corridor while protecting the ground coverage foliage.

In addition to the 8m wide (EP-4) zone is an additional 2m width at the southern portion to function as a maintenance corridor for the greenhouse.”

6. That Section 2 “Definitions” is amended with the inclusion of the following definition in the appropriate alphabetical order:

(2) “Seasonal Worker Housing: shall refer to housing located on an agricultural property that has been designed with space for multiple residential units for the living and eating quarters for migrant or seasonal workers assisting on the property either in a greenhouse or some agricultural activity requiring manual labourers. Seasonal worker housing is not intended to be rented out for any purpose, cannot be used for year- round

occupancy, and the inhabitants must be associated with an agricultural activity.”

THIS By-law shall take effect from the date of passage by Council and shall come into force in accordance with Section 34 of the Planning Act, R.S.O. 1990.

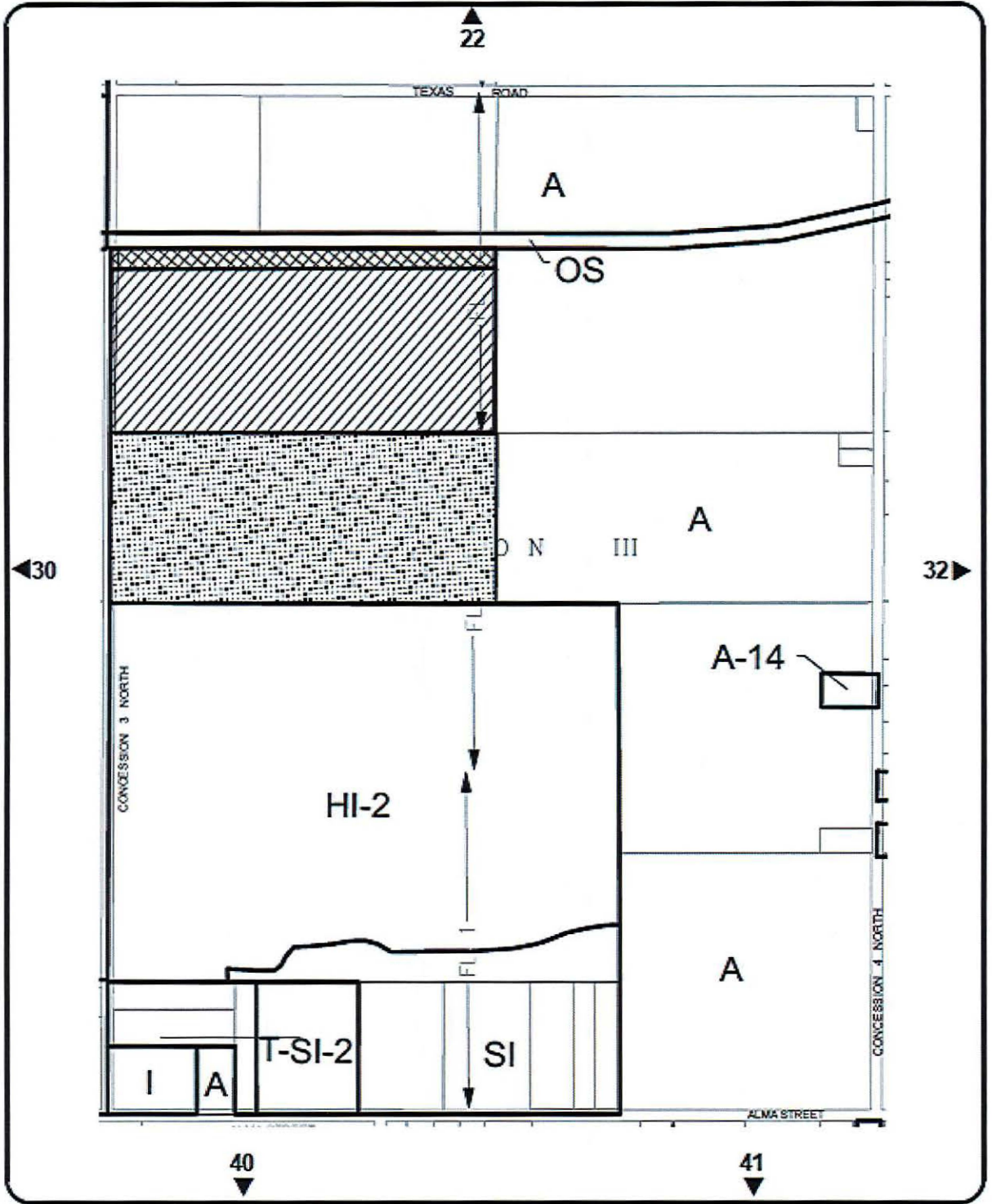
Read a first, second and third time and finally passed this 9<sup>th</sup> day of December, 2019.

  
MAYOR- ALDO DICARLO




  
CLERK- PAULA PARKER

TOWN OF AMHERSTBURG


SCHEDULE "A" TO BY-LAW No. 2019-101  
 A BY-LAW TO AMEND BY-LAW No. 1999-52



SCHEDULE 'A'  
 MAP 31  
 ZONING BY-LAW NO. 1999-52

- h-HI to EP-4 
- h-HI to A-43 
- HI to A-43 

  
 MAYOR- ALDO DICARLO

  
 CLERK- PAULA PARKER